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July 30, 2021

Honorable Judge Allyne R. Ross
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Express Freight Systems, Inc. v. YMB., Case No. 20-cv-00186 (ARR)(LB)

Honorable Judge Ross:

This firm represents Defendant, YMB Enterprise Inc.

Your Honor granted Defendant's second request for an extension of time and by electronic Order dated July 22, 2021 and directed that "Defendant's opposition papers are now due no later than 7/30/21 and plaintiff's reply, if any, is now due no later than August 6, 2021."

Unfortunately, my firm has been further set back, as my paralegal has been dealing with his father who has undergone emergency surgery requiring amputation. Moreover, my associate Mr. Lynch had to take permanent leave due to health issues.¹

Defendant completed opposition to Plaintiff's motion for summary judgment and duly served Plaintiff this day.

However, due to the foregoing setbacks, we have been unable to complete the opposition to Plaintiff's motions for sanctions.

As such, Defendant respectfully requests that the time to serve opposition to Plaintiff's motion for sanctions be extended one-week from July 30, 2021 to August 6, 2021, and likewise, that Plaintiff's time to serve its reply papers, be extended from August 6, 2021 to August 13, 2021.

Defendant will be severely prejudiced if it is not granted an extension, while, Plaintiff will suffer no prejudice by a one-week extension, particularly since Plaintiff would not even be entitled to sanctions unless its motion for partial summary judgment were to be granted. Moreover, Plaintiff expects to conduct post motion proceedings so an extension regarding the sanctions motion could not materially affect Plaintiff's anticipated schedule.

¹ The undersigned sincerely apologizes for the delay. Unfortunately, the setback was compounded because, for the first part of this week I have been out of pocket due to personal family emergencies.

Yesterday, requesting a one-week extension, I contacted counsel for Plaintiff, who responded today that he did not consent, stating “I am not authorized by my client to agree to any further delays to this case. . . . furthermore, you have Lawrence Katz², Esq. at your disposal, as he has appeared in this case already on behalf of YMB. ”

Respectfully submitted,

/ s / Levi Huebner

Attorneys for YMB Enterprise Inc.

² Mr. Katz’s involvement ended on January 9, 2020 when this matter was transferred from NJ District Court, to the Eastern District of NY.